DEATH AVENUE, NEW YORK'S SAFEST STREET

By ARTHUR CHAPMAN

Illustration by BEAUMONT M. FAIRBANK

With the motor car's increasing vogue, Death Avenue (Eleventh Avenue), despite its freight trains, is probably least dangerous of all New York's great thoroughfares. If it is to live up to its name the railroad tracks must come up and the Central freights be operated in the automobile manner unhampered by rails. The artist shows the possibilities

ELEVENTH AVENUE between Sixtieth Street and Thirty-third Street used to be known as Death Avenue. Some people still call it that, but usually with a grin.

It isn't that Eleventh Avenue has changed so very much. The freight engines which gave the street its sinister title still make their stately, dowagerlike way along the avenue at a much slower pace than the darting taxicabs which flit across the avenue from the Forty-second Street and Thirty-fourth Street ferries. Even the motor trucks which bounce along the Belgian blocks on the avenue outrun the freight engines.

No street in New York affords a better study in contrasts than this same Death Avenue of old. Once the freight engines, which now come at less than half-hour intervals and which are accompanied by much bell ringing, whistle tooting and flag waving, were looked upon as Molochs. Editorials and page articles appeared in certain New York newspapers calling on the city to have these dangerous tracks torn up. But the tracks remained and the engines continued on their way—and meantime the automobile arrived. Other avenues in other parts of the city began to fill up with engines which did not run on tracks and which recognized no speed limit. Other streets have rolled up totals of fatalities which have made Death Avenue's most destructive hours seem mild in comparison.

To-day Eleventh Avenue's children play the ancient game of handball in more than average safety. Death Avenue is wide from curb to curb, and its motor traffic is light, because the folk in pleasure cars keep to the smooth streets. Its sidewalks are wider than the average, and if one has to run out in the street to retrieve a handball he isn't taking half the chances of the kids on the narrower streets with less sinister names. As for those outling engines that totter up and down the middle of the street, they are jokes. Why be afraid of something that runs on a fixed track and that gives plenty of warning of its approach? If the avenue were filled with such engines not running on tracks and with every engineer intent on speed, things might be different.

Besides, hasn't the avenue been dotted with nice little green houses, all alike, at the various street corners, and in these little houses aren't there nice old gentlemen who look just alike and who are just about the same age and who chew the same kind of tobacco and tell the same stories, with the same little squint to their eyes when they come to the funny parts? And aren't these old gentlemen always hobbling out to the middle of the avenue and waving flags right and left and hollering to the kids when an engine is sighted either way?

Occasionally somebody gets bumped when he tries to scoot an auto ahead of the cowcatcher of a locomotive in the race for a ferry, but that's all because Death Avenue has become such a joke that some people even trifle with the once dreaded juggernauts.

Probably in days to come, when the air is filled with all kinds of individual and sightseeing airplanes over the Hudson and commuters are trying to cut across where they have no business to go and are being knocked to earth, the present-day automobile streets are going to seem as safe as Death Avenue now seems in the process of comparison.

But Death Avenue to-day—well, it might echo the Virginian and say, "When you call me that, smile!"

THEY LIBELED CAPTAIN KIDD

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to the point of manslaughter. This was the Loyal Captain affair. The Loyal Captain was a Dutch ship, and Holland and England were friends. The details were given in the trial of Kidd for killing William Moore, his gunner. The story is best told in the words of the witnesses in the London trial. Seamen Hugh Parrott testified:

"I shall tell you how this happened. My commander (Kidd) fortuned to come up with this Captain How's ship (the Loyal Captain) and some of us were for taking her and some not. And afterwards there was a little sort of mutiny, and some rose in arms, the greater part, and they said they would take the ship. And the commander was not for it, and so they resolved to go away in the boat and take her. Captain Kidd said: 'If you desert my ship I shall force you into Bombay (a British port), and I will carry you before some of the council there.' Inasmuch that my commander stilled them again and they remained on board."

Seaman Abel Owens testified: "I was in the cookroom and hearing some difference on the deck I came out, and the gunner was grinding a chisel on the grindstone, and the captain and he had some words, and the gunner said to the captain: 'You have brought us to ruin, and we are desolate.' Says the captain: 'I have not brought you to ruin. I have not done an ill thing to ruin you; you are a saucy fellow to give me these words.' And then he took up the bucket and did give him the blow."

Kidd—Was there a mutiny among the men?

Owens—Yes, and the bigger part was for taking the ship.

Seaman Joseph Palmer also told about the mutiny and the blow given Moore. "He was let down into the gunroom, and the gunner said, 'Farewell, farewell. Captain Kidd has given me my last.'"

Richard Barlicorn (surgeon's apprentice)—William Moore lay sick a great while before this blow was given and the doctor said that this blow was not the cause of his death.

Kidd—I had all the provocation in the world given me. It was not designedly done, but in my passion, for which I am heartily sorry.

Lord Chief Baron Ward instructed the jury to find Kidd guilty of murder, which was done. John Paul Jones committed the same act, the heavy iron ship bucket being a handy weapon, but he was never tried for it. Kidd's authority was menaced in the face of a mutiny and to exhibit any weakness at the moment would have been disastrous.

The specific act upon which the charge of piracy was based was the seizure of the Quedah Merchant. It cannot be urged that the London court was ignorant of the existence of the French passes. Bellomont had sent them to London, and then died. The passes were held back by English officials in the conspiracy to throw all the odium on Kidd. After Kidd's death they were smuggled into the Public Record office, where they reposed under the sanctity of red tape until discovered by Ralph D. Paine, who gives the facts in his "Book of Buried Treasure." Why Kidd was marked as a scapegoat to be slaughtered will presently appear.

The Quedah Merchant and the November, a twin ship, also taken by Kidd, belonged to the Great Mogul and were sailed under French passes. These passes made them lawful loot for English ships. The Great Mogul was an actual personage, descendant of Genghis Khan and Tamerlane and master of the world which these conquerors subjugated. From his gorgeous palace at Samarcand his power reached beyond his land dominions, his antennæ controlling a mighty commerce which spread its sails over all the oceans between China and the Levant. The English East India Company could hardly have existed without his sanction.

And the English East India Company demanded that Kidd be punished as a pirate.

At the time there was great political bitterness between the rival parties in Parliament. The Tories seized the Quedah Merchant incident as a lever to be used in ousting the Whigs. Investigating the matter, they unwound the fabric of the Adventure Galley enterprise; they found that two of the ministry were involved and that even the King was behind it.

Macaulay says: "Howe raved like a maniac. 'What is to become of the country, plundered by land, plundered by sea? We cannot send a cargo to the farthest ends of the earth but they (the ministry) must send a gang of thieves after it.' One member attempted to prove that the letters patent from the King, to which Somers had affixed the Great Seal, were illegal, but this subject touched the King too narrowly, and it was dropped.

The Tories piteously wailed that the merchants had nowhere to go for justice. They could not hope for it in the Chancery, the Lord Chancellor being involved with Kidd; nor at the Board of Admiralty, where the Earl of Orford presided; nor from the King, all access to him being by the Duke of Shrewsbury.

Meanwhile Kidd, in the Boston prison, rested easy in the belief that his powerful friends would secure his release. But when articles of impeachment were drawn against Somers it was apparent that some counter move must be made to save all the dukes and earls and lords that had fallen into the Tory pit.

The Tories, through some unknown emissary, got word to Kidd that if he would implicate Somers as having foreknowledge of his turning to be a pirate they would save him; otherwise he would die. To his credit, Kidd refused to be a party to such an agreement.

Kidd now had a pack of hounds on his trail. There was the merchants' clique of New York, who believed that they had been robbed of their share of the loot by Kidd and Philipse. There was the English East India Company, which feared a loss of trade in the threatened withdrawal of the Great Mogul's favor. There was the clique of Somers and other lords, who sought to drag him down in order to save themselves from political ruin, and there were the Tories, whom he had spurned.

Kidd must die in order to make a show of Somers's abhorrence of crime. His death was a deliberately planned and most atrocious misuse of the power of a court of justice. His last words in court were firm and dignified. After sentence of death was passed upon him for piracy he said:

"My lords, it is a very hard judgment. For my part, I am the innocentest person of them all, only I have been sworn against by perjured persons."

Captain Kidd must have felt secure in his position when he decided to surrender. To comprehend his reasoning one should consider the methods and morals of shipping masters acting in conjunction with or under the orders of importing merchants. At that time smuggling by wholesale—not in a small way—was generally winked at by the authorities, who shared the profits of the illicit trade, and neither the merchant nor the official was thought the less of for it. Captains of ships engaged in smuggling with no more compunction than they tossed off a forum of rum. Houses that owned ships selected their captains; captains who owned ships chose the houses with which they carried on smuggling operations. Officials came into the business, giving protection and receiving graft. It was an all-around conspiracy to defeat an obnoxious tariff.

Captain Kidd owned his own ship, the Antigua, and possibly others before the Antigua. The merchant with whom he carried on a legitimate and illegitimate business was Frederick Philipse, by royal grant Lord of the Manor of Philipsburg. His manor house is still in the center of Yonkers, which grew up around it. On the Hudson River side it was situated within 300 feet of Neperhan Bay, a little inlet of the Hudson which has since been filled. In Kidd's time, and for over 150 years after, it was large enough to accommodate small sea vessels with a snug anchorage.

The situation of bay and house was ideal for smuggling purposes. There was no reason, Kidd consenting, why the bulk of the gold, silver, gems, jewelry and the costly Eastern goods brought to Gardiner's Island should not be transferred to the two sloops that met the San Antonio and sailed "up the sound" to Neperhan Bay and stored in the capacious cellar of the Philipse manor house.

Would Philipse commit such an unlawful act? In the public mind it was not an unlawful act, and every person thought it to be a highly commendable act. Everybody was doing it. Governor Fletcher of Massachusetts was openly accused of dealing with pirates. Cheating the customs was popular business. As for Philipse, in the Massachusetts Historic Social Collection, Volume 7, Page 209, there is an allusion to the pastime to which is appended a statement that "Frederick Philipse attained an estate of £100,000 (about $500,000) in dealings with pirates." That was a great estate in those days, and Mary Philipse's father increased it. No wonder George Washington courted her. As it happened, she married Roger Morris and lived to see Washington become the Father of His Country.

The greedy and vindictive Bellomont probably lost his head when he lost the lion's share of Kidd's treasure, for he petitioned the Lords of Trade to "break (revoke) the large land grant to Philipse and others for contumaciously trampling on the King's authority." No such act, however, was passed, the said Lords probably being in the same boat with Philipse.

But there was another and more definite charge against Frederick Philipse. A complaint was made to the Commissioners of Trade and Plantations that Philipse sent out from New York, in charge of his son Adolphus, a sloop named Frederick, ostensibly for Virginia but really to cruise at sea and meet a ship from Madagascar. Nearly all pirate ships sailed from Madagascar on those days, seeking a friendly market for their loot.

It was charged that on meeting the ship from Madagascar the Frederick received great bales of East India goods, after which she sailed for Delaware Bay, where she remained in hiding until the Madagascar, having gone on to New York with a cargo of slaves, returned to Delaware Bay. The Frederick took part of the cargo of stuffs to New York and the Madagascar proceeded to Hamburg with the balance. What happened to the Hamburg cargo is a matter of record; what happened to the Frederick's cargo is a mystery, but we are entitled to our suspicion.

The Lords of Plantations found Philipse not guilty, with the admonition that it "did not look well for him to be employing men of such character." In other words, not guilty, but do not get caught at it thereafter. And so, everything went smoothly with everybody except proud, confiding Kidd, and he was hanged and gibbeted May 8, 1701.

THE GREAT WHITE WEIGH

THE basilisk, the python and other things that are supposed to have a gaze that is fatally fascinating, were born with nothing more effective in that regard than the cyclopsean weighing machine.

Handicapped though it is with only one eye, the weighing machine lures enormous tributes from New Yorkers year by year. No matter where it is planted, the results are the same. Individuals who can pass news stands, soft drink counters, sidewalk merchants, bootblacks and chewing gum slot machines, fall easy victim to the weighing machine.

Weighing one's self seems to have become a matter of habit. Machines have been installed wherever such installation is possible. Wherever the New Yorker goes, he sees those great, round eyes of the weighing machine family staring at him. Some of these eyes seem to have a melancholy expression. Others are coldly defiant—a sort of I-dare-you-to-weigh-yourself effect which is even deadlier than the vampish stare which has been given to some of the machines.

Just why a person should be desirous of ascertaining the exact state of his weight is something that cannot be figured out. Yet such a desire must exist in many a human breast. Otherwise the weighing machine manufacturers would not be enjoying the prosperity that is now theirs. All because there are so many persons who must find out about it every time they vary an ounce or so in weight, the lights are gleaming in the weighing machine manufactories, where the operatives work overtime at high wages and the owners laugh merrily at the Wall Street capitalists who come with proffers of loans.

Just what will be the outcome, no one can say. When all the available nooks and corners in the subways and elevated stations and at the summer resorts have been taken up with weighing machines, and when it will be possible to make one's way about New York simply by skipping from one machine to another, perhaps the public will take up something else. Interest in individual weight may drop to zero. The man who weighs exactly 149¾ pounds at 2:47 o'clock on Wednesday afternoon, following a lunch of soup, crab meat, calves' brains, French fried potatoes and peach ice cream, may not be crazy to know about it. He may be interested in a machine that will test his blood pressure, or perhaps something will be installed which will tell just how much dynamic energy is stored in one's eye glance.

People who can pass newsstands, soft drink counters, sidewalk merchants, bootblacks and chewing gum machines, fall victims to the weighing machines

But right now there is no discounting the weighing machine's popularity. In the present state of the public mind, a condemned victim would almost ask some one to drop a coin in a machine and give him a final weigh on the walk to the electric chair.

The mere fact that most of the machines are suspected of ghastly inaccuracy is nothing. They would not be more generally patronized if they weighed to the dust-note, like the glass inclosed scales in the mint. It is enough to keep the indicators whirling. Why bother about the accuracy of the figures, and thereby spoil a most popular game?